

Cement plus Active carbon
CACRA
Scalze

996
Close BAS... Left in place
ITEX Accuse Corps of engineer infringe its patent (solidification) at a site

702
202-564-8303

1989 Memo Between EPA & ITEX

LD13-50019.D



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Solidification to reduce the availability of ~~met~~ metals

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Meeting with ITEX on Treatment of Reactive Sulfides, December 28, 1989.
FROM: Rhonda M. Craig, EPS
OSW/WMD/WTB/TTS
TO: RCRA Docket

A meeting was held with a representative of ITEX, Company at EPA to discuss treatment of characteristic reactive sulfides (see attendance list below). While performing remediation of old refinery sites, ITEX has found that pit sludges are characteristic wastes that will be subject to the Land Disposal Restrictions when they become final May 8, 1990. ITEX has a treatment technology (proprietary) that may effectively treat these reactive sulfide wastes to nondetectable levels. ITEX submitted data to that effect. ITEX maintained that the proposed treatment requirements would impose an economic burden that is not necessary when a simpler, cheaper method (pozzolonic stabilization) effectively treats this waste. Successful treatment may be due to alkaline (i.e., pH > 7) condition of the stabilized material.

ITEX also discussed concerns that arose from performing two different SW-846 analysis methods on reactive sulfide wastes. One test requiring titration seems to yield less stringent results than the other and seems to be harder to perform on these solid sulfides.

ITEX will submit additional data to the RCRA Docket during the public comment period.

ATTENDERS:

Sherry Pierce, ITEX Company
Laura Fargo, Versar, Inc.
Rhonda M. Craig, EPA/OSW/WMD/WTB

The strategy is to see that the technology was used in 1989-90 at Dupont site before it was patented.

This memo is about a meeting between EPA HQ & Dupont who are in the process of developing LDR Technology Std.

described work was done at Dupont

Dept of Justice
Josh
LAURIT support
Josh.

LD13 001

Treatment of characteristic waste
Solidification with cement
ITEX with some other patent additive?

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed

0471

This is (not)
part of memo

①

② date
Page 4

③

certificates
it's too thick to
support ETEX goal to
fly from... To Washington

④

secret process should be
adopted a part of
Law Ban Rule
which is 6 month later
During public notice
not a week later

⑤

notice, it is due to the
quality of the document
being filmed

EPA should establish BDAT standards at the characteristic or alternately establish standards that are representative of the diverse waste matrices.

1. At Chambers Works, the EP toxic aqueous wastes are neutralized and precipitated with lime and filtered prior to land disposal. The EP toxic metals are significantly immobilized in the sludge and the organics in the filtrate are treated with PACT.
2. The EP toxic constituents in the sludge are well below the characteristic level and meet all the BDAT levels except for lead. Table 4 summarizes the sludge data.
3. Stabilization of the aqueous wastes is inappropriate since it may not provide treatment for the organics and since it will result in extremely large volumes of waste requiring land disposal.

TABLE 4
SUMMARY OF SLUDGE DATA

Constituent	TCLP Results (ppm)			No. Data Points
	MIN	MAX	AVG	
Arsenic	.005	.29	.037	31
Cadmium	.001	.039	.002	28
Chromium	.010	.032	.010	31
Lead	.100	2.40	.470	31
Mercury	.002	.012	.002	31
Silver	.001	.012	.006	31

KHS:arb
4 JAN 80

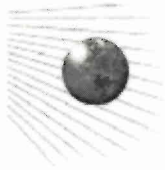
a week later

Why after
the memo/meting

49927

Page 4

LD13 001



Barry Tornick/R2/USEPA/US

08/18/2008 02:11 PM

To Laura Scalise/DC/USEPA/US@EPA

cc Everett.Adolph@epamail.epa.gov@EPA, Sin-Kie
Tjho/R2/USEPA/US@EPA,
Maciejko.Hanna@epamail.epa.gov@EPA

bcc

Subject Re: DuPont (Chambers Works) Itex Treatment

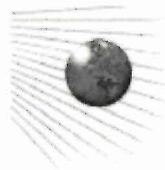
Laura:

As I told you on Friday, there may be some description of the stabilization process in the original permit application that would have been reviewed and approved by NJDEP in the late 1980s under their authorized RCRA Program. However, even if the Itex stabilization system was used by Dupont at the time of their permit application, it is very unlikely that Itex would have been identified in the application.

I got parts of permit applications from 1986 and an index of documents from the file room. I will request some more that appear relevant. But, we would have a much better chance of success if we could ask DuPont to provide some assistance.

Barry

Laura Scalise/DC/USEPA/US



Laura

Scalise/DC/USEPA/US

08/14/2008 03:58 PM

To tornick.barry@epa.gov

cc Sin-Kie Tjho/R2/USEPA/US@EPA

Subject Chambers Works facility

Barry, I just spoke to Sin-Kie Tjho. I understand that he recently inherited the Chambers Works facility.

I work in the Office of General Counsel and am a patent lawyer for the agency. I'm helping DOJ with a patent infringement case. The Gov't is being sued by a patent holder who claims that the Army Corp. infringed its patent by performing a certain solidification/stabilization technology at another site. I'm helping DOJ back-date the patent in order to invalidate the patent - no patent, no infringement.

I think it's one of those cases where a technology has been performed in the field (here, solidifying with portland cement) long before anyone thought to patent it and capitalize on it. Sometimes that means digging into historic data.

DOJ found this memo, where EPA held a meeting with ITEX Corp. Dec. 28, 1989:



Document.pdf

This memo refers to work that was done at Chambers Works. We need to know what ITEX did there, then. Yes, before Dec. 28, 1989. We need Sin-Kie to find this for us. It sounds like corrective action work.

Coming from Region 2 myself (I spent 13 years in Superfund at the Edison lab, then a year in ORC before coming down here) I understand what the end of the year means - RODs and permits have to go out. Still, I'm hoping that Sin-Kie will be able to find some time to track down this lead for us.

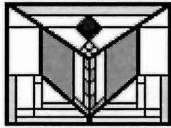


Laura
Scalise/DC/USEPA/US
08/14/2008 03:18 PM

To Sin-Kie Tjho/R2/USEPA/US@EPA
cc
bcc
Subject Fw: Requested ITEX memo IN RE TDM v. U.S.

See attachment below 0 related to our phone call

----- Forwarded by Laura Scalise/DC/USEPA/US on 08/14/2008 03:17 PM -----



Rhonda
Minnick/DC/USEPA/US
08/12/2008 01:01 PM

To Laura Scalise/DC/USEPA/US@EPA
cc joshua.brady@usdoj.gov, Laura Lopez/DC/USEPA/US@EPA,
Ben Lesser/DC/USEPA/US@EPA
Subject Re: Fw: Requested ITEX memo IN RE TDM v. U.S.

Hi Laura and Joshua,

Here is the Land Disposal Restrictions Treatment Technology Documented. This was originally published in the 1980's and would be in the RCRA docket probably but since we don't have a date it would be very tricky to retrieve.

<http://www.epa.gov/epaoswer/hazwaste/ldr/ttbd.pdf>

I checked with Laura who doesn't remember the meeting or what the treatment they were proposing was.

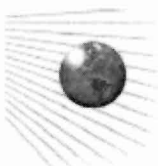
If you can think of some other way I can help, please let me know. Right now, however, I can't of much more help.

Thanks.

.

Rhonda Minnick
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Laura Scalise/DC/USEPA/US



Laura Scalise/DC/USEPA/US
08/11/2008 04:40 PM

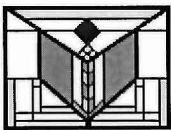
To Rhonda Minnick/DC/USEPA/US@EPA
cc joshua.brady@usdoj.gov
Subject Re: Fw: Requested ITEX memo IN RE TDM v. U.S.

Hi Rhonda. Thanks for being willing to speak to us. Josh and I will call you at 10:00am tomorrow morning.

We are looking at the Chambers Works site for pozzolonic stabilization activities that ITEX or someone else may have performed prior to the date of that record, Dec. 28, 1989. Since ITEX said they did this at Chambers Works, we need to find that. Would that be in an RFI or and RFA (remedial investigation or remedial action)? Is there an EPA database where I can look up this facility and see what's been done there, as far as environmental clean-up? Thanks. We'll call tomorrow at 10am.

Laura Scalise
Patent Attorney
OGC-GLO
7426KK Ariel Rios North
202-564-8303

Rhonda Minnick/DC/USEPA/US



Rhonda
Minnick/DC/USEPA/US
08/11/2008 04:21 PM

To Laura Scalise/DC/USEPA/US@EPA, joshua.brady@usdoj.gov
cc William Brandes/DC/USEPA/US@EPA, Ben
Lesser/DC/USEPA/US@EPA
Subject Fw: Requested ITEX memo IN RE TDM v. U.S.

Hi Laura,

Ben Lesser asked me to get in touch with you and Joshua regarding the ITEX memo. I will help if I can, but right now I have no recollection of the meeting or the treatment technology. I can help with Chambers Works, however. It is a huge DuPont treatment facility in Deepwater, NJ. I just did a quick internet search and found a presentation given by DuPont about the facility. Please see:
http://www2.dupont.com/Clean_Technologies/en_US/assets/downloads/DuPont_Chambers_Works_-_Municipal_Waste_Collaboration.pdf

I will be in the office tomorrow (telephone number below) so please give me a call with your questions.

Thanks.

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----- Forwarded by Rhonda Minnick/DC/USEPA/US on 08/11/2008 04:17 PM -----

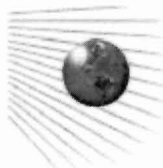
Ben Lesser/DC/USEPA/US

08/11/2008 03:50 PM

To Laura Scalise/DC/USEPA/US@EPA
cc joshua.brady@usdoj.gov, Rhonda
Minnick/DC/USEPA/US@EPA, William
Brandes/DC/USEPA/US@EPA
Subject Re: Requested ITEX memo IN RE TDM v. U.S.

Laura,
Joshua Brady left me a voice mail message today. I have asked Rhonda Minnick to return his call--she's the staff member who wrote the memo (Rhonda has changed her name since then) and she will have the most substantive knowledge of this issue, and she knows who else on our staff was involved. She will call Joshua today or tomorrow.
Regards,

Ben Lesser, Chief
Analysis and Information Branch
Hazardous Waste Minimization and Management Division
Office of Solid Waste
Voice - 703-308-0314
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lesser.ben@epa.gov
Laura Scalise/DC/USEPA/US



Laura
Scalise/DC/USEPA/US
08/11/2008 02:30 PM

To Ben Lesser/DC/USEPA/US@EPA
cc joshua.brady@usdoj.gov, William
Brandes/DC/USEPA/US@EPA, Rhonda
Minnick/DC/USEPA/US@EPA
Subject Re: Requested ITEX memo IN RE TDM v. U.S.

Ben, thank you so much for this. Joshua or I will let you know if we need any kind of follow up on this, because we'll probably need your help to do it.

After reading the attached, there is one thing would be very helpful - can you give me any information at all on the Chambers Works site mentioned on the second page? I need to find out whether Idex actually performed their technique at this site.

Thank you! :) - Laura

Laura Scalise
Patent Attorney
OGC-GLO
7426KK Ariel Rios North
202-564-8303

Ben Lesser/DC/USEPA/US

Ben Lesser/DC/USEPA/US
08/05/2008 02:09 PM

To Laura Scalise/DC/USEPA/US@EPA
cc Jim Berlow/DC/USEPA/US@EPA, John
Michaud/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA,
William Brandes/DC/USEPA/US@EPA, Rhonda
Minnick/DC/USEPA/US@EPA
Subject Requested ITEX memo IN RE TDM v. U.S.

Laura,
Jim asked me to find and forward to you the referenced memo which Joshua Brady of DoJ requested. This is on file in hard copy in the RCRA docket. We scanned it into a PDF copy, which is attached.

Let me know how I may be of further assistance.

Regards,

Ben

Ben Lesser, Chief

Analysis and Information Branch

Hazardous Waste Minimization and Management Division

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